

Allied Fishing Groups

6 August 2007

**Black Bass Action Committee – Bass Classics of Santa Clara –
California Sportfishing Protection Alliance – California Trout –
California Striped Bass Association – Coastside Fishing Club –
Crockett Striped Bass Club – Delta Fly Fishers –
Diablo Valley Fly Fishermen – Fishery Foundation of California –
Fly Fishers for Conservation – Fly Fishers of Davis – Friends of Butte Creek –
Gold Country Fly Fishers – Granite Bay Flycasters –
Grizzly Peak Flyfishers – Mission Peak Fly Anglers –
North Coast Fishermen's Association – NORCAL Kayak Anglers –
Northern California Council / Federation of Fly Fishers –
Pacific Coast Federation of Fishermen's Association –
Palo Alto Flyfishers – Peninsula Fly Fishers –
San Jose Flycasters – Shasta Fly Fishers –
Recreational Fishing Alliance – Santa Cruz Fly Fishermen –
Small Boat Commercial Salmon Fishermen Association – Tracy Fly Fishers –
Tri -Valley Fly Fishers – United Anglers of California –
United Pier & Shore Anglers of California – USA Fishing – Wilderness Fly Fishers –
Trout Unlimited of California – The National Wildlife Federation**

**John Kerlin
Executive Director, Delta Vision
Attn: Sergio Guillen
650 Capitol Mall
Sacramento, CA 95814**

Dear Executive Director Kerlin:

As a member of the Stakeholder Coordination Group, I represent the California Sportfishing Protection Alliance and the Allied Fishing Groups. Our Allied Fishing Groups recently presented the enclosed "Delta Fishery Recovery and Restoration Vision" to the Delta Vision Stakeholder Group. We wish to submit our vision document to the Delta Vision Blue Ribbon Panel Task Force for their consideration. We believe it is extremely important to share this information with the Task Force.

We believe that a sustainable Delta must include sustainable, abundant fishery resources. Our vision defines the specific elements of fishery habitat and hydrology necessary to realize this objective. It is an essential vision if our government is to ensure that the Delta's fishery resources will exist for enjoyment and use by this and future generations.

Sincerely,



**John Beuttler
Allied Fishing Groups
1316 Neilson Street
Berkeley, CA 94702
510-526-4049**

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Delta Fishery Recovery and Restoration Vision

Introduction

The Allied Fishing Groups are a voice for the state's commercial fishermen and the state's two million recreational fishers. We represent over 40,000 fishers - essentially all the organized anglers who fish the Delta's waters or depend on the Delta for their commercial fishing. We share common interests and concerns regarding the historic decline of the Delta's aquatic ecosystem and the devastating impacts suffered by resident Delta fisheries, as well as fisheries that migrate through and are dependent on the Delta. The predominant cause of this fifty-year decline is the development, use, and export of water from the Delta and its tributaries.

The conveyance alternatives currently being considered by the Stakeholder Group lack essential information to evaluate the fishery benefits and liabilities. The only way to recover and restore the ecosystem productivity of the Delta is to rectify the hydrology and water quality impacts that have resulted from water development and water export in the Central Valley rivers and in the Delta. Without essential information on how the proposed

conveyance alternatives impact the Delta's aquatic habitat and fisheries, an informed decision cannot be made.

For this and other reasons stated below, we seek your support of our "Delta Fishery Recovery and Restoration Vision" and request that it be made an integral component of any alternative the Delta Vision Blue Ribbon Task Force recommends to the Resources Agency and the Governor.

Background

Including our vision is of paramount importance to our state's recreational anglers, the sportfishing industry, commercial fishermen, the commercial fishing industry, and to our right to access and fish in the waters of the State as granted by the State Constitution [Article 1, Section 25].

One of the main reasons there is a 'crisis in the Delta' is due to the lack of recognition of the economic importance of recreational angling, commercial fishing, and boating to the state's economy. The fisheries of the Delta and its tributaries play a vital role in supporting these industries. According to the U.S. Fish and Wildlife Service National Survey in 1996 ["National Survey of Fishing, Hunting and Wildlife Associate Recreation, 1996,"] California's sportfishing industry generated an economic output in excess of 7 billion dollars while drawing non-resident anglers to our state whose activities support tourism, the state's largest industry. Add to this the estimated 1983 value for our commercial fishery of 2.3 billion dollars and the economic contribution from recreational boating of 11 billion dollars in 1995 (80% of the state's boat owners use their vessels to fish) [Department of Boating and Waterways report - 1997 of "The Economic Impact of Boating in California"], and it becomes apparent that a significant portion to the state's economy depends on healthy Delta fisheries.

The decline of the fisheries dependent on the Delta and its tributaries became significant following the construction of the federal Central Valley Project in the 1950s and the State Water Project in the 1960s. The fisheries mitigation intended to compensate for the projects' impacts were never sufficient. This has resulted in significant, uncompensated economic losses for the sportfishing, commercial fishing, and boating industries of the state for decades.

A state Department of Fish & Game report estimated the financial repercussions of these declines at 7 billion dollars over the past fifty years [See the Department of Fish & Game's "Administrative Report #85-03 - Anadromous Fisheries Branch"]. Additionally, anglers, boaters and

commercial fishermen have spent hundreds of millions of dollars on licenses, special fishery stamps, and federal excise taxes for the privilege of fishing.

The first fishery casualty of water development was the extinction of the San Joaquin River's spring-run salmon following the construction of Friant Dam. Several decades later, the Sacramento winter-run and the spring-run Chinook salmon were listed under state the federal Endangered Species Acts. The listing of Delta smelt, steelhead, and green sturgeon followed. Pelagic species are in also in grave condition, as Delta smelt are nearly extinct, and long-fin smelt, American shad, and striped bass are a mere remnant of their former abundance.

Our Delta Fishery Recovery and Restoration Vision

Our Delta Vision is to recover and restore these fisheries to their historical abundance. Our vision is a response to the observed fishery declines and the collapse of the Delta's ecosystem productivity. Our vision includes the following critical elements.

The promises made to the public by our government to protect and restore our fishery resources must be honored. In 1945, prior to the federal authorization to build the Central Valley Project, the Acting Regional Director for the Bureau of Reclamation promised the state of California that 'no water shall be diverted from any watershed which is or will be needed for beneficial uses within that watershed.' A few years later the San Joaquin River's spring-run of over 100,000 salmon were lost.

A little more than a decade later, the State Water Project was authorized following explicit statements that it would not to take water needed for beneficial uses in the areas where the water originated for export. Yet, fishing in 'area of origin watersheds', including the Delta, has been devastated by the State Water Project, exporting roughly three million acre feet of water annually in excess of the water supply created by building Oroville Dam on the Feather River (the cornerstone reservoir).

The federal Central Valley Project Improvement Act was passed by Congress in 1992. Among its primary purposes was the mandate to double the anadromous fisheries of the Central Valley. As of today, not one of these fisheries has been doubled due to the implementation of the act. State legislation has also failed to increase anadromous fish populations.

We cite these failures to illustrate an endemic problem with the contracting

process for export of the waters of the Delta and its tributaries. Both State and Federal contracting processes have promised to deliver more water than was surplus to the needs of the 'area of origin beneficial uses', including fisheries. Delivery of that water has significantly impacted the fishery resources and their aquatic habitat. The paradigm of over subscribing our water supplies for export is a fundamental culprit of the collapse of the estuary's ecological productivity and the decline of its fisheries.

To realize fishery recovery and restoration and bring sustainability to the Delta ecosystem, the following will be needed:

- At the heart of our vision is the requirement that our government properly discharge their legal responsibility as the public's trustees of these fisheries and their aquatic environment. The government is obligated to ensure the protection, restoration, and management of these resources in perpetuity. There is a large body of law that requires natural resources be so protected because they are a natural renewable heritage of substantial value to the citizens of our state and nation [See "National Audubon Society v. the Department of Water and Power, 464 U.S. 977 - 1983"]. This obligation not only extends to the Delta, but also to water development and water export upstream of the Delta.
- The Delta requires restoration now. Exports must be reduced by several million-acre feet annually, or more, if the Delta is to begin to make a significant ecological recovery and become ecologically sustainable.
- To solve the current oversubscription of the Delta's waters, the Delta Vision should establish goals for substantially increasing regional water self-sufficiency, based on the adoption of best water conservation practices and the principle that the people of our state must live within the limits of our natural resources. This may include a comprehensive statewide water program with financial incentives for all water users to significantly increase water conservation.
- The Delta's aquatic environment should be managed to increase the residence time of its waters to generate an abundant, sustainable food supply, where and when it is ecologically needed. An improved hydrologic regime is

necessary to meet this goal as well as the other flows needed by anadromous and resident Delta fishes.

- To achieve these goals, any conveyance alternative that is part of the Delta Vision should include the flow regime and management proposal contained in "A Long Term Vision For the Sacramento-San Joaquin Delta: A Work in Progress" submitted by The Bay Institute et. al. We recommend the Task Force also adopt all of the essential components recommended in The Bay Institute et. al. document, as this will help address the needs of the Delta's ecosystem and its fisheries, including the valuable black bass fishery, to ensure those fisheries that are in good condition remain that way.
- A sustainable solution must be based on best available science, including a science-based flow regime for the Delta that incorporates the interrelationship between water operations and conveyance, fish populations and abundance, and ecosystem functions. Participation by independent (academic) scientists should augment the traditional state and federal agency scientists. No single government agency (particularly one whose mission is exporting water) should hold veto power over science-based water management decisions.
- The Delta and its tributaries require a comprehensive water quality compliance program to ensure they meet the water quality standards established by the federal Clean Water Act and the state's Porter Cologne Act and Water Quality Control Plan. Hundreds of miles of the Delta's waterways are not in compliance with these requirements. The result is significant, long-term impacts to the Delta's aquatic environment and the productivity of its foodweb. Such toxicity has been identified by the Interagency Ecological Program as one of the primary factors involved in the 'Pelagic Organism Decline'.
- Effective governance should include a single group to oversee the management of the Delta, the protection of its ecosystem and its tributary rivers, and all of the affected fisheries. To achieve the consistent application of such management and protections, consideration should be made to amending the State Constitution.

- **The extent to which the State Water Project facilities and operations are reconfigured to significantly reduce the project's impact on the Delta's ecosystem could be rendered ineffective if the federal Central Valley Project continues operations as usual. A comprehensive solution will need to ensure that its operation will assist, and not hinder, the recovery goals for the Delta.**
- **A comprehensive solution is needed to address predation and entrainment losses at the state and federal Delta pumping plants.**
- **Should a new system of conveyance or water storage be necessary to achieve a sustainable Delta, those who are the direct beneficiaries of the exported water should pay the financial costs.**
- **A comprehensive program that prevents the introduction of all undesirable non-native aquatic species needs to be put to work immediately and enforced. In addition, this program should minimize or eliminate the impact of the current undesirable exotic species on the Delta's ecosystem.**

Respectfully submitted:



**John Beuttler
Conservation Director
California Sportfishing Protection Alliance**

On Behalf of the Allied Fishing Groups

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